REMARKS

The Office Action of November 13, 2008, has been carefully considered.

Objection has been raised to Claim 29, and the objection cited in the Office action has now been corrected.

Claims 15-17 have been rejected under 35 USC 102(b) as anticipated by Barthalon et al, while Claims 18-19 and 27-29 have been rejected under 35 USC 103(a) over Barthalon et al and Claims 20 and 21 have been rejected under 35 USC 103(a) over Barthalon et al in view of Acker et al.

The Office action states that Applicants' arguments have been considered, but are moot in view of the new grounds of rejection. Applicants have reviewed the prior Office action and have found that all claims were rejected as either anticipated by or obvious over Barthalon et al, and therefore find no substantial difference with respect to the original rejection, with the exception of the new rejection of Claims 20 and 21.

In any event, Applicants point out that Claim 15 is directed to a machine with an electromechanical converter, in which the first recited element is "a closed tubular cylinder having tight end chambers." This is not a structure which is found in Barthalon et al.

Figure 20 of Barthalon et al has been cited, and an annotated Fig. 20 of Barthalon et al is reproduced below (with Figs. 21 and 22):

Fig. 20

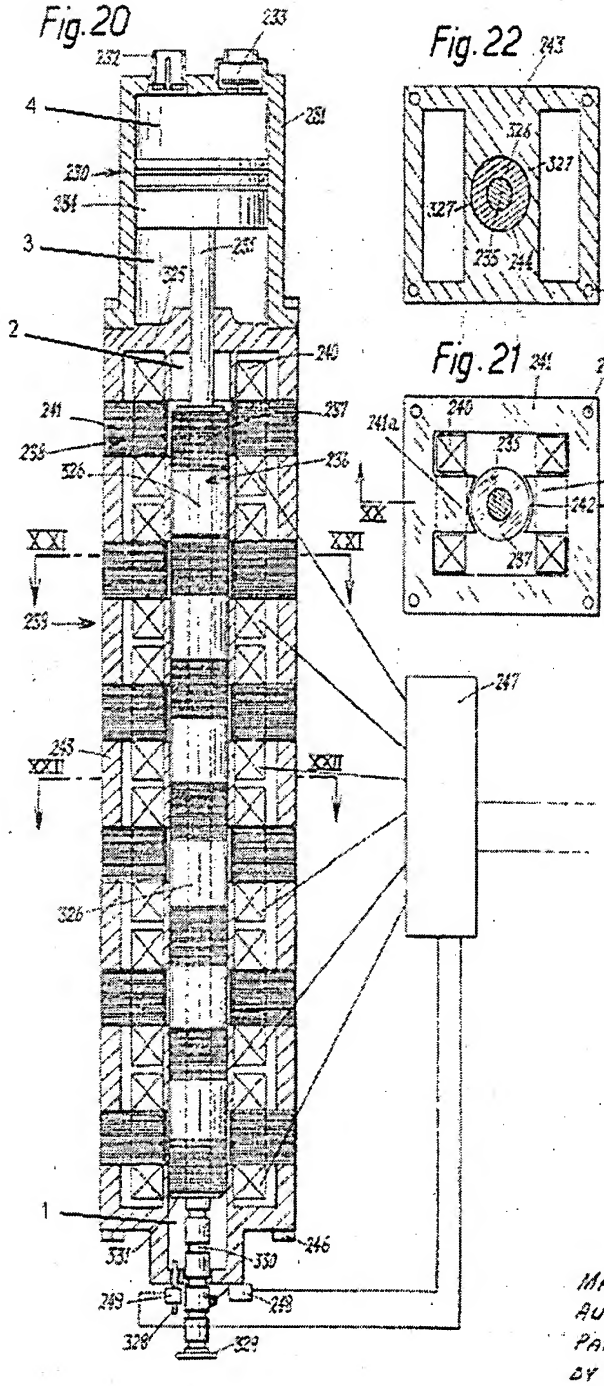


Fig. 22

Fig. 21

INVENTORS

MAURICE BARTHALON
AUGUSTE MOIROUX
PATRICK WATSON
BY Young & Thompson
ATTYS.

In this diagram, Applicants have labeled four spaces within the tubular cylinder to determine if the tubular cylinder is closed with tight end chambers.

In space 1, rod 235 passes through the end of the cylinder, with grooves 330 formed in the rod as part of a switching system 247. However, with the grooves 330 in the rod, it is impossible for the end of the cylinder to be gas-tight, as gas will be carried through the grooves as they pass through the end of the cylinder.

Space 2 is at the opposite end of the cylinder, in which piston rod 235 passes through the cylinder end. If high pressure gas is present in the cylinder, at least some gas will pass through the end of the cylinder with the rod, in the absence of appropriate sealing means which are not shown by Barthalon et al.

The same is true of space 3, in which at least some gas will escape with the travel of the cylinder rod. Moreover, it is also possible that some gas will escape to space 4 at the opposite side of the piston.

Space 4 is not at all intended to be a gas-tight space, having valves 232 and 233. Thus, on a forward stroke of the piston, gas or liquid will be expelled from the space through valve 233, and on a rearward stroke of the piston, gas or liquid will enter space 4 through valve 232.

Thus, none of the spaces of Barthalon et al shown in Figure 20 is gas-tight, and the machine can therefore not function as a gas spring.

The Office Action does make note of the disclosure by Barthalon et al of "vibratory movement" in the paragraph bridging columns 3 and 4, but this is not dependent on a sealed cylinder. Further note is made in the Office Action of the discussion of an "air cushion" at col. 17, lines 12-17, but this is in reference to a vehicle shown in Figs. 17-19, with an air cushion 82 supplied by channels 83; a sealed

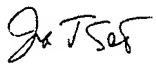
cylinder is not disclosed.

Acker et al has been cited to show that the pressures possible in a spring element correspond to those recited in claims 20 and 21, but Acker et al does not otherwise cure the defects of Barthalon et al.

Withdrawal of these rejections is requested.

Applicants submit that the present application is now in condition for allowance, and an early allowance of the application is earnestly solicited.

Respectfully submitted,



Ira J. Schultz
Registration No. 28666
Attorney for Applicants
(703)837-9600, ext. 23